

CITY OF BELMONT

PLANNING COMMISSION

SUMMARY MINUTES

TUESDAY, JULY 21, 2009, 7:00 PM

Chair Horton called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Horton, Mayer, Parsons, Frautschi, Mercer, Reed, Mathewson
Commissioners Absent: None

Staff Present: Community Development Director de Melo (CDD), Associate Planner Gill (AP), Consulting Planner Ouse (CP), City Attorney Zafferano (CA), Recording Secretary Flores (RS), Public Works Engineer Gilbert Yau, Public Works Interim Director, Karen Borrmann.

2. AGENDA AMENDMENTS

CDD de Melo suggested that the two Public Hearing items, 6A and 6B, be heard before the Study Session on the Monte Cresta Roadway Project, and, after polling the audience, determined that the Notre Dame de Namur University project, Item 6C, could remain in the order shown on the Agenda. The Commission concurred with these amendments.

3. COMMUNITY FORUM (Public Comments) – None

4. CONSENT CALENDAR

4A. Minutes of June 16, 2009

Commissioner Mercer asked that the following revisions be made to the Motion on Page 3 of the Minutes:
Change Item 2) (a) to read "Include landscape coverage along the full length of the fence, not just interspersed.

Change Item 2) (e) to read "The whole area needs to be charted out, and landscaping needs to comprise 15%.

Change Item 2) (f) to read "The Commission needs to see the size of the trees and the plants that are implied; a 12" tall Palm tree from the home store interior décor department is not acceptable...."

Vice Chair Mayer called attention to a typo on Page 3, second paragraph, that should read "Commissioner Frautschi....."

MOTION: By Commissioner Parsons, seconded by Commissioner Frautschi, to approve the Minutes of June 16, 2009 as amended.

Ayes: Parsons, Frautschi, Reed, Mercer, Mayer, Horton
Noes: None
Abstain: Mathewson

Motion passed 6/0/1

6. PUBLIC HEARINGS:

6A. PUBLIC HEARING – 3405 Haskins Drive

The applicants/owners request Single Family Design Review approval to construct a 643 square foot addition to the existing 2,663 square foot single family residence for a total of 3,306 square feet that is below the zoning district permitted 3,500 square feet for the site. (Appl. No. 2009-0010)

APN: 043-222-010; Zoned: R-1B (Single Family Residential)
CEQA Status: Categorical Exemption per Section 15303
Applicant/Owner: Issa & Jessica Khouri
Planner: Rob Gill 650-598-4204

AP Gill summarized the Staff Report, recommending approval of the project subject to the attached Resolution and Conditions of Approval.

Commissioner Mercer questioned the method used to measure the setback on the north side of the property, where the lot is triangular shaped. She also asked that staff confirm that the existing 10-15' retaining wall on the south side of the property meets setback requirements as it appears that the new construction encroached into the setback. Staff concurred that if the Commission is inclined to approve the project, a condition could be added to assure that the project meets all setback requirements of the Zoning Code. Responding to Commissioner Parsons' question about the setback requirements for a triangular lot, CDD de Melo restated that, after reading the Zoning Code definitions, it would be best to condition the project to meet setback requirements.

Jessica Khouri, co-owner of the property, acknowledged the questions raised and stated that she understands the possible problems.

Commissioner Frautschi asked Ms. Khouri if she would be opposed to a landscape requirement that trees be added to the front yard to mitigate the height of the house at it now stands, and if they would consider reducing the watered lawn area. Ms. Khouri responded that they will be reducing the watered lawn area in the front and that the back may end up being smaller. She explained that they do not plan to take away any of the landscaping in the front and could add another tree, but she did not know if a tree larger than what they already have would be appropriate. Commissioner Frautschi commented that he wanted them to be aware of the expense and maintenance costs of watered lawns, and that a lot of the plant materials they currently have are not appropriate for their setting. Issa Khouri added that they want to be able to enjoy the lawn with their family and that his plan is to eventually enclose the property with fencing so that the deer will not have access.

Chair Horton opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Mathewson, seconded by Commissioner Frautschi, to close the Public Hearing. Motion passed 7/0 by a show of hands.

Commissioner Reed could make all the findings with the exception of the setback measurements as previously discussed.

Commissioner Frautschi could make the findings, except that Finding F is a close call about the landscape plan incorporating native plants that are appropriate to the environment. He would go along with the rest of the Commission except that he would like to see the addition of a tree.

Commissioner Mathewson concurred with Commissioner Frautschi about the tree but it would be acceptable to him if the owners did not want to do anything more.

Commissioner Mercer could make all the findings with the exception of F. She felt that the owners should plan on doing a lot of landscaping when construction is completed. In addition, she thought the bathroom add-on looked like it was tacked on and that it needs to be masked with significant landscaping to mitigate the lack of integration.

With the exception of the setback issue, Vice Chair Mayer could make the findings.

Commissioner Parsons could make the findings with the condition that the setback be verified, and would approve the project with the added condition that they come back with a landscape plan that shows what's going to happen, especially on the side where the construction equipment is brought in. He would also like to see a good size native tree on the right or lower side of the house that would minimize the bulk and screen the front of the addition.

Chair Horton could make the findings. She agreed with Commissioner Mercer that it is a bit of a tack-on but, given the location of the house on the street and the way the property slopes, she did not feel that it is as bad as it might be on another lot. She concurred that the applicant will probably need to redo the landscaping and suggested that they move the rose bushes to the back yard. She suggested that they use different plant materials to redo it but would not make that a condition.

MOTION: By Commissioner Parsons, seconded by Commissioner Mathewson, that they adopt the Resolution approving a Single-Family Design Review at 3405 Haskins Drive (Appl. No. 2009-0010) with the conditions attached, and with the added conditions that the adjustments to the side yard setback be made if necessary at the corner of the addition of the structure on the back lower part of the house, that staff check that the retaining wall meets code, and that a landscape plan for the front of the house be submitted that has a large Scale native tree and additional landscaping that will screen the addition.

Ayes: Parsons, Mathewson, Reed, Mercer, Frautschi, Mayer
Noes: Horton

Motion passed 6/1

Chair Horton announced that this decision may be appealed within 10 calendar days.

6B. PUBLIC HEARING – 1501 Folger Drive

To consider a Single Family Design Review to construct a 1,089 square foot addition to existing 1,913 square foot single-family residence (approximately 590 sq. ft. of floor area to be removed). The project proposal will result in a total of 2,412 square feet for the residence (3,500 sq. ft. maximum building size permitted for this site). (Appl. No. 2009-0020)

APN: 044-351-200; Zoned: R-1A (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

Applicant: Bolinger Design Services

Owners: Frederick & Laurie De Martini

Planner: Rob Gill 650-598-4204

Commissioner Frautschi recused himself from this discussion as he lives within 300' of the property.

AP Gill summarized the Staff Report, recommending approval of the Resolution and Conditions of Approval attached.

Commissioner Mercer raised a question about the garage and family room, concluding that it is not an existing garage that they are going to maintain – they are essentially putting on a new garage, which was formerly the family room. AP Gill confirmed that in 1964 the garage was converted to a family room and they constructed a new garage on the left side. Now the applicant is proposing to demolish the current garage, which is non-conforming and which creates the family room, back to its original garage. He felt that the conditions will actually be better.

Bruce Bolinger, designer of the project, and Fred De Martini, owner, were available to answer questions. Mr. Bolinger noted that what is currently being used as a garage started out as a car port, and over the years it got somewhat enclosed. There is a garage door in the front but the back is open – it's only 16' deep and not deep enough to park a car. By taking the use back into the original garage, they are within a matter of 1 foot of being conforming.

Chair Horton opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Parsons, seconded by Commissioner Mathewson, to close the Public Hearing. Motion passed 6/0/1 by a show of hands, with Commissioner Frautschi recused.

CA Zafferano stated that the issue for the Commission is whether the approval of the permit to change the original garage into a family room eliminated the use of that space as a garage, thereby losing its legal non-conforming status. If the Commission finds that that occurred, then they may want to continue the project so that staff can explore whether it could be redesigned to provide a conforming garage. If not, the

Commission can consider the project and vote one way or the other as to what they wish to do with that particular item.

Commissioner Mercer felt that the entire design was nicely done and could make the majority of the findings. She appreciated the removal of the garage and the driveway extension but felt that the addition on the left-hand side lacked interest so would like to see specifications about how they plan to landscape that left-hand front portion of the house when they take out the driveway in order to screen the new addition. She had no problem with the circular driveway.

Vice Chair Mayer could make the findings but felt that they were lacking a definitive legal statement as to the present status of the garage. He would give them the benefit of the doubt since the new garage will not be completely conforming but it will be an improvement on what is there.

Commissioner Parsons liked the design, but would like to see the landscape plan come back to where they are putting additions on the left side of the house so they can see what it will ultimately look like. His concern about the legal status of the garage would mean that a Variance would probably be required to allow this garage to be built as full size if it does not qualify as a legal non-conforming. CDD de Melo added that the project could be conditioned to meet the requirement for a conforming garage if that is something the applicant wanted to entertain. He added that the project has the floor area reserve, which addresses the conformance issue and would allow them to make it a true 20 x 20.

Commissioner Reed could make all the findings and was fine with being lenient on the non-conforming garage.

Commissioner Mathewson stated that he is uncomfortable every time they allow a garage to be less than full size when it has to be modified anyway.

Chair Horton could make the findings. The project is well below the maximum square footage. She was sad to see the board and batten go. With cars getting smaller, she did not think the garage is much of an issue. She felt that this is an appropriate location for a circular driveway for safety reasons.

Mr. Bolinger pointed out that when they turned in all the documents they had included existing and new landscape plans. He said there are 31 trees on the property and they added 6 trees where they took out the asphalt and ground cover. Commissioner Parsons apologized that he had missed the landscape plan and after looking at it had no problems with the landscaping. Mr. de Martini added that they had spent a substantial amount of money landscaping the front area. Commissioner Mercer added that she too had missed the landscape plan. After looking at it, she felt that if the speckled area is concrete it is too much hardscape, and also wondered if they had plans to convert the circular driveway into something more permeable.

MOTION: By Commissioner Reed, seconded by Vice Chair Mayer, to adopt the Resolution approving a Single-Family Design Review at 1501 Folger Drive (Appl. No. 2009-0020)

Commissioner Mercer's suggested addition that the hardscape be reduced was not included in the motion.

Ayes: Reed, Mayer, Mathewson, Parsons, Horton

Noes: Mercer

Recused: Frautschi

Motion passed 5/1/1

Chair Horton announced that this item may be appealed within 10 calendar days.

5. STUDY SESSION

5A. Monte Cresta Roadway Project – Environmental Review

The applicant is proposing an approximately 104-foot-long, two-lane extension of Monte Cresta Drive from its existing terminus approximately 1,000 feet northwest of Barclay Way, below (west of) All View Way in the San Juan Hills area of the City of Belmont. The site is currently an unimproved roadway/pathway

primarily used by local residents as an open-space recreational trail. The roadway extension has been designed to comply with the design standards of the City's Hillside Road Standards – San Juan Hills, as specified in Section 7-13 of the City Municipal Code, Items (e) 4 through 8, as well as the Americans with Disabilities Act. The roadway would be a total of 38 feet in width, including two 10-foot wide travel lanes, two 5.5-foot-wide parking lanes, two two-foot-wide curb and gutters, and one four-foot-wide sidewalk. A two-foot wide planter strip would be included on the east side of the new roadway. The roadway extension would be supported/protected by retaining walls on both sides, which will require an Encroachment Permit from the City of Belmont. These walls would range from two to six feet in height. The project also would include access to three potential driveways, as well as underground extensions of water, storm sewer, sanitary sewer, gas, and electric utility lines. It also would include street lighting. The project would require cut and fill of 196 cubic yards of material, to be balanced on the site. Construction of the roadway would occur over a period of about three months.

The roadway would provide access to three currently inaccessible residentially designated lots just west of the western terminus of Monte Cresta Drive (APN's 043-243-340, 043-165-170 and 043-165-180. Two of those lots (west of the proposed new roadway) could potentially be developed with small houses (limited to 900 to 1,200 sq. ft. each, including garages, unless a development transfer is granted by the Planning Commission and City Council) while the lot east of the proposed extension could be developed with an up-to 3,300 sq. ft. house.

Andrea Ouse, Consulting Planner for this project, stated that the purpose of the Study Session was to discuss the Initial Study (IS) and Draft Mitigated Negative Declaration (DMND) and to gather comments from the public and the Commission, and that no decision will be made. She noted for the record that the Biological Consultant, Mike Wood, was available to answer questions and provide technical support, as well as Ted Sayre of Cotton, Shires as the City's peer review Geotechnical Engineer. She used a Power Point presentation to review the background of the project and summarize the staff memorandum and its attachments. She clarified that the two lots shown on the down slope of Monte Cresta were merged and are now actually one lot. She noted that a corrected copy of the last attachment (Cotton, Shires Peer Review) was provided to the Commission.

Vice Chair Mayer asked if there are already water or utilities that extend from the end of Monte Cresta into the projected area. He noticed what appeared to be a new fire hydrant built beyond the fence. Gilbert Yau, Engineer with Belmont Public Works Department, responded that the site already has a water supply, Mid Peninsula Water District has already reviewed the proposed project, and there is an existing line that will be able to serve the development but there is currently no water line that goes into the development or the roadway extension. Responding to Vice Chair Mayer's questions about the ownership of the lots, CP Oust stated that each of the three parcels that the road extension would access and the rest of the lots beyond the undeveloped portion of Monte Cresta are all individually owned. He further asked how the CEQA process fits into the San Juan Hills Area Plan (SJHAP), and was advised that the Plan will be discussed only inasmuch as it would be discussed in the IS and DMND.

Commissioner Reed posed the following questions and comments:

- He was confused about the "dueling" numerous geology reports and why there were so many different conclusions, and how he was supposed to use that information to judge this project.
- Are they considering just the roadway or the roadway plus the potential houses? He felt that there is a potential for a road plus houses to substantially damage scenic resources.
- Regarding item IV.e) regarding ordinances protecting biological resources, he felt that the SJHAP makes it pretty clear that it is very concerned with the natural resources in the canyon, and he questioned what mitigation will take place to alleviate that.
- On page 13, the second to last paragraph, referring to the endangered Mission Blue butterfly, he suggested that the first sentence should be changed to read "....have a high potential for occurrence....." rather than "low" because its host plant exists on site.
- Referring to item XVII.b), he was concerned that adding a road in this open space probably does open the door to future projects and he questioned the "no impact" rating.

- Referring to item XIV.a), he gathered that a lot of people use this area for recreational hiking and the entire Sugar Loaf Area is a favorite spot for hikers, and questioned why this build-out of road and houses is listed as having "less than significant impact."

CA Zafferano suggested that the Commission use this session as an opportunity to collect questions and then ask staff to provide answers at a subsequent meeting.

Commissioner Parsons stated that he felt the project should include more than just the road – it should also include the impact the three additional houses will have on the SJHAP.

CDD de Melo suggested that they hear the public's comments before the Commission makes their comments. Chair Horton concurred, and clarified that this is a Study Session at which no conclusions will be made. All comments will be heard and there will be subsequent meetings.

Public Comments:

Warren Gibson felt that the proposed 38' road is out of scale with the existing 24' pavement on Monte Cresta. He suggested that they do not need to let that happen, and that it would ruin the area for no good reason. He asked that the Commission consider a 10' asphalt strip that would suffice for accessing the house, and the property owner could be held responsible for financing any future road extension if that came to pass. He asked the Commission to try to minimize the project and do the minimum harm necessary on this little piece of road.

Phillip Fagone distributed photographs to the Commission. He explained that there are 4 homes on Alhambra drive that are directly beneath the proposed construction area, and the residents are concerned about the effect of the construction of the roadway, the construction of homes, the long-term effects of drainage and erosion control. If the sheer wall of unstable dirt falls they would have tremendous property damage. They see that there is nothing that can be done to prevent that wall from falling if there is an erosion problem.

Peter Riecher stated that construction had started on this project 3 weeks previously. He referenced the fire hydrant already alluded to, adding that there appears to be extensive grading construction all the way up to the terminus of the road. He did not know what it was for or who did it, but he was very surprised to see it before the Commission and the City had approved the project. He added that in looking at the geotechnical reports and specifically the proposed retaining walls, the wider this road is the more retaining walls will have to be built. If the retaining walls are going to be built on an accepted, dedicated road, the City will be responsible for maintaining the walls. He stated that he had previously written to the City regarding his concerns when it was contemplated that the entire road would be constructed, because there are numerous slides, and massive retaining walls would be required. If the City decides to approve the project, he felt that they would be facing the adjoining property owners seeking incremental growth for the next several decades, and, in his opinion as a practicing attorney, what he considered to be a violation of the policies against this type of incremental in-filling on paper roads.

Chair Horton asked Mr. Riecher for clarification of the work that he has seen going on at the site. Mr. Riecher responded that extensive grading has been done roughly 100' past the hydrant. He presumed that additional water lines or sewer hookups were installed. He added that there is another fire hydrant that he assumes is adequate to protect the existing four houses, so he did not believe the new fire hydrant was necessary to protect them.

Piere St. Hilaire commented about the geology of the area, stating that there is a mud flow 12' further that looks like a bombing range. He has witnessed two very significant mudslides 50 yards from his house on All View Way, which is the same geology as the land under discussion. He has tried to convince Mr. Campbell that it would be in his best interest not to build the house – the area is very unstable and everything flows down hill. He is not aware of any new technology that could mitigate what is a force of nature.

Ken Yasuda concurred with the previous speaker and encouraged the Commission to view the geotechnical report very carefully and consider all the mitigations.

Mark Herbach read a prepared statement, which will become part of the record. The primary conclusion of his comments was that the current environmental review is inadequate and that in order to comply with CEQA, an Environmental Impact Report for the entire paper road must be prepared. He thanked the following residents, who ceded their time to allow him to speak on their behalf: Rosemary Aurbrey, Colin Flaxmer, Margaret Flaxmer, Carol Hatfield, Hartley Laughead, Joyce Lee, Gail Mintz, Margaret Moore, Betty Pedrozu, Joshua Herbach, Etta Herbach.

Responding to Commissioner Frautschi's question, Mr. Herbach stated that the January 1988 memo from Director Costello mentioned in his statement was addressed to the City Manager.

Discussion ensued regarding equating the San Juan Hills Area Plan and the Mitigated Negative Declaration. CA Zafferano explained that the environmental report stands on its own. Whether or not it complies with CEQA is one issue, and the submittal and finding requirements that are being referred to in the public comments are part of the Commission's decision-making process at a later stage. However, the CEQA document is related to those findings in the sense that the cumulative and separate environmental impacts of the project have to be considered under CEQA. In other words, the environmental document and the SJHAP are directly linked but they are decisions that the Commission has to make independently. The decision on the SJHAP and the Road Improvement Plan will have to be made at a future date.

Commissioner Parsons stated for the record that he had worked in a professional capacity with Mr. Herbach for about 30 years, and for a shorter time with Mrs. Herbach.

It was agreed that the Commission would evaluate the environmental document on an item-by-item basis, starting on page 7. Commissioners' comments are noted below in a brief format, but since no formal votes were taken on each item, they do not necessarily reflect the opinions of all Commissioners.

Item I, Aesthetics

General concurrence that ratings for each section should be changed to indicate there would be "potentially significant impact."

Item II. Agricultural Resources

There was no disagreement with the ratings in this section.

Item III. Air Quality

Commissioners Parsons: If the project goes through, it will allow for more construction which will impact air quality and also may be setting a precedent for future incremental building throughout the whole San Juan Canyon.

Commissioner Mercer: The presence of the buildings will not affect the air quality but the construction process itself would have a significant impact on the air quality. Change the evaluation of section b) to "potentially significant impact" with respect to the construction process.

Item IV. Biological Resources

Commissioner Mercer: Would have to look more closely at the SJHAP to see if there is anything in there that conflicts with item f).

Commissioner Parsons: Concerned about the scope of the project. If the document is accepted and then houses are built on the adjacent properties there may be a major impact on biological resources.

Chair Horton initiated a discussion regarding the limited scope of the environmental document being reviewed. CP Oust confirmed that the application is for a 104' road and that is what needs to be evaluated under the purview of CEQA at this point. Commissioners generally agreed that the scope is inadequate because it does not include probable land use issues and what it means to the SJHAP, but were advised to continue their evaluation of the document before them.

Item IV (continued)

Commissioner Frautschi: Section b) He referred to SB1334 having to do with the California Oak woodland as a compelling argument for the Commission's responsibility to the larger community and that there is a potentially significant impact looking at the total system. He added that the City's tree ordinance renovation will have a major effect on biological resources.

Section f) He felt that the environmental review must include at a minimum the entire area of unimproved

Monte Cresta. The statement that “the future presence of Mission butterflies cannot be ruled out and further study is warranted” concerned him because there are no proposed actions in the document to promote biopreservation, biore restoration or account for potential biomigration.

Commissioner Reed: Section a) The Mission Blue butterfly has a home in Twin Peaks, and Mt. San Bruno is the largest colony that he knows of. Sugarloaf Mountain is one of its few habitats. Removal of any habitat of an endangered species has an impact. Paving over the lupins, the plants they breed in, would remove the habitat of an endangered species. That is significant – there is no mitigating it.

Item V. Cultural Resources

There was no disagreement with the ratings in this section.

VI. Geology and Soils

Commissioner Reed: Did not understand why there are so many peer reviewed geology reports and the different conclusions. He needed help understanding the reports before he could make a determination as to the impact.

Commissioner Frautschi: Section b) about the substantial soil erosion of the loss of top soil. He evaluated it as having a “potentially significant impact” instead of “potentially significant impact unless mitigated.” He felt that it is critical since a complete discussion of water runoff and its relationship to future development are not directly considered, and due to the very delicate nature of this site and the relationship between the proposed roadway extension and future development, he felt that this is essential and was not properly addressed in the document.

Commissioner Mathewson: Agreed with Commissioner Frautschi, and was not sure that all of the mitigations discussed can be incorporated and that there may be more potentially significant impacts.

Chair Horton: Without knowing the impact of the possible development, there could be significant impacts. The geology has changed for the worse over time, which is why the reports are changing, and she did not know why they would believe that it would suddenly stop. Also had an issue with the fact that if the 104’ road were permitted, they have said that that is as far as they are going to go. There are documents that say that property owners beyond that 104’ will never have access to their sites, and she did not believe that they have provided anywhere near enough documentation to get there.

Commissioner Parsons: concurred with what has been said and added his concern that there was nothing in the document that says one absolutely cannot extend the road beyond the 104’.

Vice Chair Mayer: After hearing the testimony about everything being so unstable he is considering moving out of Belmont. He had no objection to moving one or two of the “x” ratings to the left.

Commissioner Mercer: Would not feel secure on this property. She experienced looking up at the cliff from Alhambra Drive and felt it was horrifying to think that there were cars driving out onto the end of that road.

Section a)iv) Took issue with this because it’s not just an issue of the road falling off but it’s also an issue of where the road could fall off onto – i.e., homes and yards below.

Sections b) and c) This particular corner of road does not overlap what is currently shown as debris flow. She felt that the debris flow is going to be further up later and is too close.

VII. Hazards and Hazardous Materials

Commissioner Frautschi: Section h) disagreed with the analysis. He needed assurance that a complete wild lands urbanized interface plan has been done. He did not think the document answered the questions of people getting out of the area if there is a wildfire.

Commissioner Parsons: Had a similar concern, adding that there is not a bulb-out so that a fire truck could turn around and get out of there.

Commissioner Mercer: There is a policy on the books that any dead-end street will have a turn-around bulb. She would think if they are going to build an extra street they would at least try to improve and bring it up to standards and this does not.

Chair Horton: Assumed that the hydrant is there because there is an organized wild lands plan.

CDD de Melo: (1) Staff will want to spend time working with not only the Water Department but the Belmont-San Carlos Fire Department to confirm what has transpired relative to any past or recent fire hydrant installation, and (2) to confirm the Belmont-San Carlos Fire Department's comments and opinion relative to how they can address fire suppression issues associated with this road at its 104' marker. He will obtain a proper written response to these questions.

VIII. Hydrology and Water Quality

Commissioner Frautschi: Section e) having to do with runoff. He felt the rating should be moved to "potentially significant impact unless mitigation is incorporated." He was confused regarding the analysis for this environmental factor in light of a proposal for an on-site detention facility since water run-off next to geological movement is one of the most critical safety issues for this site. He said that he was left clueless by the lack of detail on how this facility would work, and most importantly how it would relate to future and adjacent site development.

Commissioner Mercer: Questioned the reference to an on-site detention facility as well, noting that there is no description about where it is, how big it is, whose property it is on, and what its capacity is.

Chair Horton: The City has a pretty decrepit storm system--can whatever is in place even accommodate anything else or has it been approved? Concurred with the question about the on-site detention facility.

IX. Land Use and Planning

Commissioner Mercer: Section b) This project does conflict with an applicable land use plan, policy or regulation of an agency in that it is completely contradictory to the SJHAP. She would move the rating for item b) to the furthest left column, "potentially significant impact."

Vice Chair Mayer: Agreed to move it left, at least to "potentially significant unless mitigation incorporated."

Commissioner Parsons: Concurred and in addition did not believe that the City allows for retaining walls in street right-of-ways and it could create a problem with bridges being built to the lower properties if they tried to build them with a retaining wall.

Chair Horton: Restated that it is not complete enough, adding that if you're going to build a 104' road and stop and decide that's it, we have basically told every property down the rest of the road that they will never have access to their property. She did not believe they have done due diligence on that and are totally out of compliance with the SJHAP.

Commissioner Frautschi: Absolutely flabbergasted that this is rated as "no impact" since it seemed to him that the road improvement plan seems incomplete when analyzed through the tenets of the SJHAP, page 27, policy 10. There is no plan for access to properties located along the rest of the unimproved road except a geological contention that building is unlikely. Where is the evidence of participation and support for the proposed plan by affected land owners north of the extension? He stated that he always operated under the supposition that a key policy for the development of unimproved roads in the San Juan Hills was the requirement of an overall road improvement plan and financing with the goal of permanently ending incremental development. The proposed roadway extension is in conflict with a number of hillside road standards as mentioned by Chair Horton and Commissioner Parsons.

Commissioner Reed: It does conflict and is potentially significant.

X. Mineral Resources

There was no disagreement with the ratings in this section.

XI. Noise

There was no disagreement with the ratings in this section.

XII. Population and Housing

Commissioner Frautschi: Section a) regarding population growth should be rated as "potentially significant impact" because any extension of a road could have a potentially significant impact. The City must expect the unexpected and prepare for the unwanted. This proposal cannot be viewed in isolation. The Commission's actions and how it handles the orderly expansion of infrastructure to support increased population and housing pressures in this very environmentally sensitive region is really critical.

Commissioner Reed: Concurred.

Commission Parsons: Concurred, adding believed that if they allow incremental construction once, which is against the SJHAP, they set a precedent, which would mean that there would be the possibility of substantial growth on ends of other finished streets.

Vice Chair Mayer: Looking at it as focused on the 104' project, would assess that it has a "less than significant impact" on population and housing.

Commissioner Mercer: The 104' road cannot be taken out of context; And when you do put in the context of the full project; it is a "potentially significant impact."

XII. Public Services

Commissioner Frautschi: Due to the uncertainty of and what an incremental road extension might purport, it seems prudent to assume that to claim that it has no impact is just not within the realm of possibility.

Commissioner Mathewson: Disagreed with the ratings.

Chair Horton: There is a fire protection issue. She could not understand why Public Works would want to accept this road as a public road. She would move "other public facilities" over.

XIV. Recreation

There was no disagreement with the ratings in this section.

XV. Transportation/Traffic

Commissioner Frautschi: Believed that any additional increase in traffic affecting the hilly areas of Belmont and flow onto Ralston or Cipriani cannot be referred to as having no impact.

Commissioner Mathewson: Questioned how there could be no impact on some of the items in this section.

Chair Horton: Section e) results in inadequate emergency access. She did not believe there was a prayer of not loosing some houses if there ever is a hillside fire. She would move the rating over a couple of spaces.

XVI. Utilities and Service Systems

Commissioner Frautschi: Section c) This area of the negative dec holds the most hidden potential for expense to the City. He has always been told that every time a home is built in the canyon area, the City never fully recovers from that expense. He did not agree with the rating.

Commissioner Parsons: The City has suddenly been faced with the potential for increased sewer storm drainage in our sewer systems and one of the expenses that we're going to incur is separating our storm water drainage from our sanitary sewage system to reduce the costs we pay at the sewage treatment plant. He did not see any information that stated that the City has adequate storm drainage and sanitary sewer separation and that the systems are adequate. He disagreed with the "less than significant impact" on all of the items. He added that Public Works had spent hundreds or thousands of dollars studying the issue and he did not know if that had been addressed in the document.

Commissioner Mercer: If we're looking at just the road, she could agree with the rankings. She could not say if the rankings are adequate lacking more information on the on-site detention facility.

Chair Horton: Had no idea how the down slope houses would get services; they would have to pump up. She confirmed that everyone had issues with sections c) and possibly b).

XVII. Mandatory Findings of Significance

Commissioner Reed: Section b) asks for an expansion of scope, at least mentally, so there is no way that he could say that this is a "no impact" issue when he thought about what the future projects are. Anything is possible in the future.

All Commissioners concurred with Commissioner Reed's statement.

Commissioner Parsons: Section c) There are about 30 people in the audience, not counting the rest of the people who live in Belmont, who are being affected directly or indirectly by the project the way it is scoped.

David Campbell, applicant, addressed the Commission and was given the opportunity to do a presentation. He stated that he had 3 professional engineers with him and thought it would be a good time for the Commission to talk to them about their questions. Chair Horton explained that the Commission is not questioning the reports that they have, they are questioning the Mitigated Negative Declaration. She asked Mr. Campbell what the on-site detention facility is and where it is. Mr. Campbell replied that it is on the back page of the plans; there are two options, one with the retaining walls within the public right-of-way and one out of the right-of-way.

Referring to his earlier comment that he had worked with Mr. and Mrs. Herbachs, Commissioner Parsons clarified for the record that he has not had any conversations with them regarding this project.

Vice Chair Mayer also indicated for the record that he had taken advantage of Mr. Campbell's invitation to look at the properties a few months back.

Commissioner Mercer asked that staff respond to the following questions at a later review of this project:

- Where will the 197 cubic yards to be excavated and replaced be stored? Is there adjacent land that will be impacted by the process of moving all of this soil? Will it be a further risk of sliding or pressure on ground causing slides by being relocated and has that been factored into the EIR?
- Would like comment about all of the 30-some homeowners further along the line. They are absentees at this meeting and need to be notified. She suspected that they never heard of this discussion.
- Would like to know not just the number of lots but how many net homeowners there are at this point.
- Would like to know what the precedent is in the City for streets constructed by the City where the City has built a retaining wall to support the street.
- Once the street is built, is it an absolute must that the City accepts ownership of the street, because the City thereby accepts all future maintenance responsibilities?
- Would like discussion on the mapped width of the street currently on these parcels vs. what is being proposed to be paved. What did they allow for a street from lot line to lot line back in 1920, and how does that compare with what is being proposing here, and how do both of those compare with the existing end of Monte Cresta where it ends now?
- Would like to understand the retaining walls that are proposed – where do they fall with respect to the property lines - are they in or out of the property lines?
- Had an unresolved question regarding a proposed driveway that is going onto an uphill lot. Referring to drawings, she pointed out that what has been graded right now looks feasible but at the top of the grading when looking at the elevation lines, all of a sudden it gets very steep. The residence is a good 50' above it and there is a very steep grade there.

Commissioner Frautschi stated that he needs to have a clear discussion and understanding from staff of PDF and MD designations because it is his understanding that any piece of property in any area where a road could go could potentially be built with a PDF designation. The only thing that would stop development consideration is an MD. Along the entire course of the Monte Cresta right-of-way there is no MD designation, so he needs to know why the applicant is not being required to complete the road to the first encounter of an MD designation because those are the mandates of the Plan. He believes it all hinges on that question.

Chair Horton raised the following questions:

- If this road is approved, are we making a final statement that there can be no further improvement? It would seem that that is what we would be doing. We end it at 104' which means every single property owner has to say "that's it; I don't want a road ever." And it is not documented as such.
- She did not know how we can put a road in and not understand the development of the down slope lots in particular. We have to know whether something will be developed there, what it is, and can it be developed there. It's too piecemeal.
- She added that right now Belmont has hillside homes that have stopped in mid-construction because people found that they could not afford to finish them because it is so cost prohibitive to build on a hillside. She felt that they may have to start requiring some sort of bonding to guard against that problem. If we approve this project, does that mean that it will never go any further?

Commissioner Parsons agreed and commented that his biggest concern has always been the scope of what we are really doing an environmental document on. He believed they have to address the off-site adjacent development that is made possible by the construction of this road or else made impossible by the construction of this road. He added that the way the project is currently designed it would be very difficult to put two houses with driveways that meet City standards going down the lower side of the hill and it would be very hard to extend the road with a retaining wall at the end of it in the City right-of-way.

Commissioner Mercer added the comment that in building this road with the large retaining wall on the downhill side, the City is preempting that property owner's ability to develop the land – we're actually putting the City in a position where we're building something that they can't develop off of.

Commissioner Frautschi commented as follows:

In order for the Planning Commission and the City Council and, most importantly, all affected properties to be assured that we have a complete and clear picture of what is required for the safest and surest approach, a deeper analysis must be performed. It is far better to ask the questions, consider all the possibilities and benefits offered by a more rigorous CEQA report than regret our actions and recommendations based on incomplete initial scrutiny. Though the applicant, staff and ancillary consultants have had good intentions with the draft proposal, he truly believed that a full Environmental Impact Report (EIR) seems to be the more thorough and appropriate approach for any development requiring an incremental road expansion proposal. This Draft Mitigated Negative Declaration is much lacking in compliance. A full EIR would provide expanded information allowing greater analysis of complex interrelated issues. This approach seems the wisest in protecting all of our neighbors, our canyon and our City from potential litigation.

6C. PUBLIC HEARING – 1500 Ralston Avenue (CONTINUED TO DATE UNCERTAIN)

To consider Conditional Use Permit amendments for the Koret athletic field for the Notre Dame de Namur University (NDNU) campus.

Appl. No.2005-0038; APN: 044-360-120; Zoned: PD (Planned Development)

CEQA Status: Recommended Categorical Exception per Section 15305

Dr. Judith Greig (Applicant) Notre Dame de Namur University (Owner)

MOTION: By Commissioner Reed, seconded by Vice Chair Mayer, that this item be continued to a date uncertain. Motion passed 5/0/2 by a show of hands, with Commissioners Frautschi and Chair Horton recused from voting.

7. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

7A. Motel 6 – 1101 Shoreway Road
No update at this time.

7B. Charles Armstrong School – 1405 Solana Drive
A site visit was conducted the previous day with neighbors, several Parks and Rec Commissioners and Armstrong School people. They walked McDougal field to understand the size and scope of the field and any potential modifications to the field. Future meetings will be scheduled.

7C. Ralston/US-101 Landscape Project
No update at this time.

7D. San Mateo Development – North Road/43rd Avenue
No update at this time.

7E. 900 Sixth Avenue
No update at this time.

7F. Caltrain Landscape Area
No update at this time.

7G. Parking Study – Downtown Village Areas
No update at this time.

6H. High-Speed Train (HST) Project – San Francisco to San Jose
No update at this time.

7I. 900 South Road – Single-Family Dwelling
This property has gone completely through the foreclosure process and is now owned by a financial institution. Code Enforcement Officer Kirk Buckman is working with that institution to address any concerns related to keeping the site maintenance free.

Commissioner Reed thanked staff for putting up the fence – it is a big improvement. He noticed that it is for sale and that there were people on the site that day.

CA Zafferano stated that now that they know the property is bank owned, they will pursue code enforcement using the State law which requires bank, to keep the properties in compliance or face fines of up to \$1000 per day.

Chair Horton noted as a reminder to staff that there is a window on the house that was not approved. CDD de Melo responded that eventually it will have to come back for final sign-offs on all aspects of the project and at that time staff will address any inadequacies or inconsistencies with the project.

No update at this time.

7J. Graffiti Removal – Old County Road
No update at this time.

7K. Chuck's Donuts – 641 Ralston
Staff is working closely with the City Attorney's office to reactivate the case related to the trees that are no longer thriving.

7L. Emmett House
A contractor has been selected to do the rehabilitation portion. Public Works has indicated that most likely construction will start in August or the beginning of September.

Commissioner Frautschi asked that an earlier Commission request for a tour be honored. CDD de Melo said that could be arranged on a 2 x 2 or 2 x 3 basis.

7M. Landscape Improvements – City Properties – 780 El Camino Real, 875 Ralston Avenue, Sixth/Emmett Streets

780 El Camino Real - The City of Belmont now owns the lot and a landscape architect has put together a very conceptual landscape improvement plan for that site.

875 Ralston Ave, the Emmett House donor site – At the direction of the Economic Development Subcommittee, some landscape plans will be reactivated, but, due to the economic slow down, they will be less significant than what the Commission looked at last February.

Sixth and Emmett Street - There are no landscape plans proposed but the pavement and sidewalks at this parking lot will be cleaned up.

Commissioner Frautschi asked if the work on these three properties will be done in-house. CDD de Melo replied that it could be a combination, depending on the scope.

8. CITY COUNCIL MEETING OF TUESDAY, JULY 28, 2009

Liaison: Vice Chair Mayer

Alternate Liaison: Commissioner Parsons

9. ADJOURNMENT:

The meeting was adjourned at 10:10 p.m. to a Regular Planning Commission Meeting on Tuesday, August 4, 2009 at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the
Community Development Department.

Please call (650) 595-7417 to schedule an appointment.